(3)

Single Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

WRIT PETITION NO. 3717 /2005

PETITIONER : J.P.Suryawanshi, S/o Late Shri Gopiram, aged 42 years, Occupation-Service presently posted as Junior Statistical Assistant in C.G. State Agricultural Marketing Board, Raipur, R/o Shubham Vihar, Mangla, Bilaspur (C.G.)

P.R.No. 3833/05 Presented by Shri Sushil Sahu dated 31/8/05

-VERSUS-

RESPONDENTS :1. State of Chhattisgarh through Principal Secretary, Department of Agriculture, Mantralaya, D.K.S.Bhavan, Raipur (C.G.)

2. Chhattisgarh State Agricultural Marketing Board through Managing Director, Purani Ganj Mandi Parisar, Raipur (C.G.)

3. Managing Director, Chhattisgarh State Agricultural Marketing Board, Purani Ganj Mandi Parisar, Raipur (C.G.)

Fixed

WRIT UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT, ORDERS OR DIRECTION.

The above named petitioner most humbly and respectfully begs to submit as under: -

RECEIVED-COPY
CLERK to ADVOCATE BILASPUR

(84)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 3717/05 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

12.9.2005

Petitioner by Shri Indrasen Sahu, Advocate.

Respondents by Shri Prashant Mishra, Senior Advocate and Additional Advocate General with Shri Vivek Sharma, Panel lawyer.

Heard.

Learned counsel for the petitioner submits that the petitioner was appointed as Junior Statistical Assistant on 13.9.1989 Thereafter the petitioner continued in service till the year 1998 when the post of Junior Statistical Assistant was abolished and the service of the petitioner was merged at the post of Assistant Grade-III in the services of Respondent/Board.

By order dated 29.12.2001 the then Managing Director, Chhattisgarh Rajya Krishi Vipdan Board revived the post of Junior Statistical Assistant at the pay scale of Rs. 4000-6000. As a result the petitioner was absorbed as Assistant Grade-III w.e.f. 13.7.1998.The petitioner continued to work till the petitioner was again sent back to the post of Assistant Grade-

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 3717/05 ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

III by order dated 25th July, 2005 (Annexure P/14) passed by the Respondent No.2.

The petitioner submits that the impugned order dated 25th July, 2005 (Annexure P/14), order dated 27th July, 2005 (Annexure P/15) and order dated 3.8.2005(Annexure P/16) have been passed without following the principles of natural justice as such the same deserves to be quashed.

Shri Prashant Mishra, learned Senior Advocate and Additional Advocate General appearing for the respondents submits that admittedly, no notice was given to the petitioner but there is no infirmity in the orders because several other persons who were working as Junior Statistical Assistant have been reverted and posted as Assistant Grade-III w.e.f. July, 1998.

However, learned counsel for the respondents further submits that the petitioner will be given an opportunity of hearing and his case will be considered after issue of show cause notice to him and after filing of reply by him.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

W.P. No. 3717/05

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Admittedly, the petitioner has worked as Junior Statistical Assistant from December, 2001 till July, 2005. The petitioner has acquired legal rights as such his rights cannot be infringed or taken away in fair play without affording an opportunity of hearing.

In view of the foregoing, the petition is allowed and the impugned orders dated 25th and 27th July, and 3rd August, 2005 (Annexures P/14, P/15 and P/16) are quashed. The respondents are at liberty to take appropriate steps by issuing show cause notice to the petitioner and after considering his reply/representation to pass appropriate orders. There shall be no order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge